

CCRB INVESTIGATIVE RECOMMENDATION

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|---|-------------------------------------|-------------------------------|--|---|---------------------------------|
| Investigator: Patrick Yu | Team: Squad #8 | CCRB Case #: 201903931 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 07/07/2018 9:00 AM | Location of Incident: [REDACTED] | Precinct: 114 | 18 Mo. SOL 1/7/2020 | EO SOL 1/7/2020 | |
| Date/Time CV Reported Wed, 05/08/2019 10:10 AM | CV Reported At: CCRB | How CV Reported: In-person | Date/Time Received at CCRB Wed, 05/08/2019 10:10 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|---------------------------|--------|--------|---------|
| 1. POM Victor Veintimilla | 02520 | 931371 | 114 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------|--|-----------------------------|
| A.POM Victor Veintimilla | Abuse: Police Officer Victor Veintimilla threatened to arrest § 87(2)(b) [REDACTED] | [REDACTED] |
| B.POM Victor Veintimilla | Force: Police Officer Victor Veintimilla used physical force against § 87(2)(b) [REDACTED] | [REDACTED] |
| C.POM Victor Veintimilla | Discourtesy: Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b) [REDACTED] | [REDACTED] |
| D.POM Victor Veintimilla | Abuse: Police Officer Victor Veintimilla damaged § 87(2)(b) [REDACTED]'s property. | [REDACTED] |

Case Summary

On May 8, 2019, § 87(2)(b) filed this complaint at the CCRB in person, on behalf of her husband, § 87(2)(b) did not witness the incident.

On July 7, 2018, at approximately 9:00 a.m., PO Victor Veintimilla of the 114th Precinct stopped § 87(2)(b)'s vehicle in the vicinity of § 87(2)(b) in Queens. PO Veintimilla approached § 87(2)(b)'s vehicle and asked § 87(2)(b) for his license and registration. As § 87(2)(b) asked why he was stopped, PO Veintimilla asked § 87(2)(b) if he wanted to be arrested (**Allegation A: Abuse of Authority**, § 87(2)(g)). After § 87(2)(b) provided his documents to PO Veintimilla, PO Veintimilla returned to his own vehicle to write the summons. At some point, § 87(2)(b) exited his vehicle to get his cane from the passenger side of the vehicle. PO Veintimilla approached § 87(2)(b) grabbed § 87(2)(b) and then pushed him into the vehicle (**Allegation B: Force**, § 87(2)(g)). PO Veintimilla subsequently said, "You old fuck" (**Allegation C: Discourtesy**, § 87(2)(g)). When PO Veintimilla returned the documents to § 87(2)(b) noticed that his driver's license was damaged (**Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was issued a VTL summons for not wearing a seatbelt (Board Review 05).

The CCRB is not in possession of any video footage pertaining to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Victor Veintimilla threatened to arrest

§ 87(2)(b) In his CCRB statement, § 87(2)(b) stated that when PO Veintimilla approached his vehicle, PO Veintimilla immediately asked for his license and registration (Board Review 02). § 87(2)(b) asked PO Veintimilla why he was stopped and PO Veintimilla informed § 87(2)(b) that he was not wearing his seatbelt. § 87(2)(b) asked PO Veintimilla where he saw him not wearing a seatbelt and PO Veintimilla said, "Back there." When § 87(2)(b) asked where again, PO Veintimilla asked, "Do you want me to arrest you?" PO Veintimilla informed § 87(2)(b) that he was going to arrest him because he did not provide his license and registration.

§ 87(2)(b) was not present during the incident, but she heard about it from § 87(2)(b) (Board Review 01). § 87(2)(b) stated that she was informed by § 87(2)(b) that PO Veintimilla threatened to arrest § 87(2)(b) at a later point during the incident, when § 87(2)(b) stepped out of his vehicle to get his cane.

In his CCRB testimony, PO Veintimilla stated that when he approached § 87(2)(b)'s vehicle, § 87(2)(b) used profanities towards him and refused to provide his license and registration (Board Review 03). PO Veintimilla asked § 87(2)(b) for his license and registration approximately five to six times before § 87(2)(b) provided them. PO Veintimilla denied informing § 87(2)(b) that he could have been arrested and denied asking, "Do you want me to arrest you?" During the interview, PO Veintimilla stated that at a later point during the incident, as he was inside his police vehicle writing § 87(2)(b) a

summons, § 87(2)(b) exited his vehicle. PO Veintimilla told § 87(2)(b) to get inside his vehicle, but § 87(2)(b) did not respond. § 87(2)(b) subsequently took out an object which PO Veintimilla immediately recognized as a cane. PO Veintimilla approached § 87(2)(b) while he was out of his vehicle. While they stood approximately three feet or less from each other, § 87(2)(b) raised his cane up to PO Veintimilla's head level. PO Veintimilla told him to put his cane back in the vehicle and § 87(2)(b) refused. PO Veintimilla told § 87(2)(b) that if he did not put his cane back then he would be under arrest. During the interview, PO Veintimilla stated that § 87(2)(b) could have been arrested for attempted assault.

It is undisputed that PO Veintimilla threatened to arrest § 87(2)(b) during the incident.

§ 87(2)(g)
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§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Victor Veintimilla used physical force against § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b)

It is undisputed that as PO Veintimilla was writing § 87(2)(b) a summons inside the police vehicle, § 87(2)(b) exited his vehicle and walked to the passenger side of his own vehicle to grab his cane. It is also undisputed that PO Veintimilla approached § 87(2)(b) as he was outside his vehicle.

In his CCRB statement, § 87(2)(b) stated that he exited his vehicle to get his cane because his foot was starting to feel numb due to a medical condition (Board Review 02). After he grabbed his cane from the passenger side of the vehicle, PO § 87(2)(b) immediately approached him, grabbed his left arm, opened the front passenger door, and pushed § 87(2)(b) into the front passenger seat. § 87(2)(b) hit his head and leg as PO Veintimilla pushed him. PO Veintimilla then said, "You old fuck. What are you doing?" § 87(2)(b) denied using his cane to make physical contact with PO Veintimilla. § 87(2)(b) did not complain of injuries.

As noted above, PO Veintimilla instructed § 87(2)(b) to return inside his vehicle and § 87(2)(b) refused (Board review 03). PO Veintimilla was concerned for § 87(2)(b)'s safety and his own safety given that § 87(2)(b) was standing out of his vehicle and there is usually heavy traffic at the location. After instructing § 87(2)(b) to get back in his vehicle multiple times, § 87(2)(b) eventually complied and placed his cane inside his vehicle. PO § 87(2)(b) denied using force against § 87(2)(b) and denied any physical contact with him.

A Threat, Resistance, and Injury (TRI) report was not prepared for § 87(2)(b) (Board Review 04).

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Victor Veintimilla damaged § 87(2)(b)'s property.

In his CCRB statement, § 87(2)(b) stated that PO Veintimilla damaged his license (Board Review 02). However, he did not say when he first observed the damage, but he did not believe that his license was damaged prior to PO Veintimilla taking his license. Additionally, § 87(2)(b) did not see PO Veintimilla bending or breaking his license. During his CCRB interview, § 87(2)(b) presented his license which initially had a crack from the left side ending at approximately halfway to the right side of the license. However, during the interview, § 87(2)(b) damaged his license further by voluntarily breaking his license in half.

In his CCRB interview, PO Veintimilla did not recall if there was any damage to § 87(2)(b)'s license and he denied bending or damaging his license (Board Review 03).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) has been a party (Board Review 09 and 10).
- PO Veintimilla has been a member of service for 17 years and has been a subject in 15 cases and 37 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) denied to mediate this complaint.
- As of July 10, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 08).
- § 87(2)(b)
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 07).

Squad No.: _____

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|---------------|-----------|--------------------|-------|
| Investigator: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

| | | | |
|---------------|-----------|--------------------|-------|
| Squad Leader: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

| | | | |
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| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |